

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

JERMAINE MOORE

PETITIONER

VS.

CIVIL ACTION 3:05cv347 TSL-JCS

**DWIGHT PRESTLEY, WARDEN,
and JIM HOOD**

RESPONDENTS

ORDER

This cause came on this date to be heard upon the report and recommendation of United States Magistrate Judge James R. Sumner, and the court, having fully reviewed the report and recommendation entered in this cause on August 14, 2008, and being duly advised in the premises, finds that said report and recommendation should be adopted as the opinion of this court.

IT IS, THEREFORE, ORDERED that the report and recommendation of United States Magistrate Judge James C. Sumner entered on August 14, 2008, be, and the same is hereby adopted as the finding of this court, and the petition for writ of habeas corpus is hereby dismissed with prejudice.

A separate judgment will be entered herein in accordance with this order as required by Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this the 5th day of September, 2008.

/s/Tom S. Lee

UNITED STATES DISTRICT JUDGE